THE HONOURABLE SMT JUSTICE T.MEENA KUMARI

AND

THE HONOURABLE SRI JUSTICE K.C.BHANU

-

W.P.NO.19924 OF 2005

Dated 19-10-2005

Between

THH Anna (Name not clear)

..Petitioner

and

1.The Station House Officer, Laxmanchanda Police Statin, Adilabad District and another.

..Respondents.

..

THE HONOURABLE SMT JUSTICE T.MEENA KUMARI

AND

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-

W.P.NO.19924 OF 2005

ORDER: (Per the Hon'ble Smt Justice T.Meena Kumari)

This is a taken up case on the Telegram issued by the petitioner seeking a direction to produce his son viz., Sreenivas before this Court, who was illegally taken away by Mr.Janardhan Naik, Police Constable, on the directions of Sub Inspector of Police, Laxmanchanda Police Station, Adilabad, Narasaraopet since two days and set him at liberty forthwith.

02. Combating the allegations made in the writ petition, the 1st respondent has filed the counter-affidavit wherein it has been contended that the alleged detenue viz., Sreenivas was arrested in connection with the Crime No.38 of 2005 under Section 41 (a) r/w 109 Cr.P.C. along with four others and he was produced before the learned Second Class Executive Magistrate (Mandal Revenue Officer), Laxmanchanda on 6.8.2005. The learned Magistrate bound over the alleged detenue to keep good behaviour for a period of six months vide M.C.No.2 of 2005 on the same day. On 1.9.2005 one Mr.Poshetty, photographer lodged a report against the alleged detenue on the pretext that he has taken the photos and not paid the amount. When the alleged detenue was called to the Police Station and he revealed that due to non-availability of founds, he could not meet the expenses of the photos. Thereafter, both the parties have left the police station. Subsequently, on the inquiries, it is revealed that the alleged detenue has paid the amount to the said photographer and he is freely moving in the village.

03. It is submitted across the Bar by the learned Government Pleader for Home that the police have arrested the alleged detenu on 5.8.2005, and he was produced before the learned Second Class Executive Magistrate, Laxmanchanda on 6.8.2005 itself, and the alleged detenue is moving freely in the village and in that regard Mandal Revenue Officer, Laxmanchanda issued a certificate and as such, the question of illegal detention does not arise.

04. In view of the submission made by the learned Government Pleader for Home and in view of the averments made in the counter affidavit to the effect that the alleged detenue was arrested in connection with the crime in question and the learned Executive Magistrate bound over him for keeping good behaviour in the vicinity, and that he was also brought to the police station in connection with a dispute between him and the photographer and subsequently, they left the police station and now that he is freely moving in the village, we are of the view that no

further orders are necessary in this writ petition and the same is liable to be dismissed.

05. The writ petition is dismissed accordingly.

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JUSTICE T.MEENA KUMARI

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JUSTICE K.C.BHANU

19-10-2005

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